

REMARKS

Claims 6-12 have been amended. Claims 50-69 have been added. Claims 1, 3-4, 13-14, 17-24, and 26-49 have been canceled. Claims 6-12 and 50-69 are pending.

Claim 10 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Coley (U.S. Patent No. 5,790,664) in view of Rydbeck (U.S. Patent No. 6,195,564). Claims 6-9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Coley in view of Rydbeck, Hershey (U.S. Patent No. 4,924,378), Wolf (U.S. Patent No. 5,673,315), and Danieli (U.S. Patent No. 6,510,413). Claims 11 and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Coley in view of Rydbeck and Official Notice. These rejections, to the extent they are applicable to the amended and new claims, are respectfully traversed.

Claims 50, 53, and 67 recite, *inter alia*, “responsive to each attempt to execute an application, determining a first condition of whether there is installed in said computer platform a device license authorizing execution of said application as true or false, said determining being performed without opening any data connection over said wireless network to an application managing server” and “if said first condition is not true, performing the steps of: (i) preventing said application from executing on said computer platform; and (ii) opening a data connection over said wireless network to said application managing server and requesting a license from said application managing server.”

Claim 63 recites, *inter alia*, “a means for responding to each attempt to execute an application by determining a first condition of whether there is installed in said computer platform means a device license authorizing execution of said application as true or false, said determining being performed without opening any data connection over said wireless network to an application managing server” and “a means for preventing said application from executing on said computer platform means and for opening a data connection over said wireless network to said application managing server and requesting a license from said server.”

Claim 66 recites, *inter alia*, “responsive to each attempt to execute an application, determining a first condition of whether there is installed in said computer platform a device license authorizing execution of said application as true or false, said determining being performed without opening any data connection over said wireless network to an application

managing server” and “if said first condition is not true, performing the steps of: (i) preventing said application from executing on said computer platform; (ii) prompting a user of said wireless device to authorize a transaction to obtain a license from said application managing server; (iii) if said user authorized said transaction, performing said transaction by performing the steps of: (A) opening a data connection over said wireless network to said application managing server and requesting a license from said application managing server.”

Coley discloses an automated system for managing software licenses. Referring to Fig. 1, each time a user attempts to execute client software 103, a client module 108 automatically initiates a process (Fig. 2) to determine whether a valid license exists for the client software 103, and permits the client software 103 to execute only if there is a valid license. The client software 103 and module 108 execute on a personal computer 100 which is networked (modem 106 and Internet 116) to a license server 110, which includes an agent module 114. Column 7, line 42 – column 8, line 15.

Referring now also to Fig. 2, the process (Fig. 2) initiated by the client module 108 always begins with the client module 108 opening a network connection to the agent module 114. Fig. 2, steps 202, 204, 206; Column 8, lines 59 – 67. Once the connection is established, the client module 108 forms and sends an inquiry to the agent module 114. Fig. 2, steps 208, 210; column 9, lines 1-22. The agent module 114 responds with information identifying the license if one exist. If no license exists, the agent module 114 responds with a null message. Fig. 2, steps 213, 214, 216, 218, 220. After closing the network connection (Fig. 2, step 222), the response received from the agent module 114 is analyzed by the client module 108. The application is disabled from execution if there is no valid license. Fig. 2, step 226; Column 9, lines 13-28. Significantly, upon each attempt to execute the client software 103, the client module 108 always send the license inquiry message to the agent module 114 on the license server 110.

Although the Office Action states that the license can be stored with the client module 108, it is respectfully asserted that the Office Action is in error. It is not the license which is stored in the client module 108, but rather, information about the license which is associated with the client. More specifically, the information is an estimated time duration associated with a verified license which is used to start a timer (Fig. 2, step 232), in order to permit the client

module 108 to estimate license validity during the execution (i.e., after the start of execution) of the client software 103. The information stored on the client module 108 is merely a time estimate of license validity, not the license itself (nor is it a copy of the license on the server).

Thus, there is no disclosure in Coley regarding being responsive to an attempt to execute an application by using a device license in a client device. In contrast, the independent claims recite subject matter, that, for example, recite a method in which a wireless device initially checks for a device license, and only when that license check fails, opens a network connection to a server over the wireless network in order to obtain a license from the server, and then to install that license as the device license. This is because in a wireless environment, network bandwidth is more scarce than that of a traditional wired network (i.e., the environment associated with Coley). It is therefore more important for wireless systems to conserve network bandwidth. Coley in fact teaches against this, by its immediate opening of a network connection to the server.

Further, as noted above, Coley also teaches against the claimed invention its installation of a time estimate as a substitute for the device license. Such a time estimate would not be useful, for example, if the license permits a execution to a predetermined number of executes (See, e.g., depending claims 7 and 57).

Rydbeck is cited for allegedly disclosing a computing device establishing a wireless connection. Rydbeck, however is fails to disclose or suggest the subject matter recited in the above quoted portions of the independent claims.

Puhl is cited for allegedly disclosing an application managing server being associated with a data store having a plurality of applications and corresponding licenses. Puhl discloses that its wireless device validates licenses installed in the wireless devices at boot time, and automatically disables all applications not having a valid license. Puhl, however, performs the described operations as part of the boot process of a wireless device. Puhl therefore also fails to disclose or suggest the subject matter recited in the above quoted portions of the independent claims.

Waite is cited for allegedly disclosing checking for a license upon each attempt of executing an application. It is respectfully asserted that the Office Action is in error. Waite in fact discloses a system where an application is shipped missing a component of the application. After registration, an encrypted overlay file comprising the missing component of the application is decrypted and combined with the installed portion of the application to complete the application. The overlay file is part of the application and is not itself a license. Waite therefore fails to disclose or suggest the subject matter recited in the above quoted portions of the independent claims.

Hershey, Wolf, and Danieli are cited for allegedly disclosing of several different types of licenses, including, for example, fixed duration licenses, licenses which expire on a specific date, expiring licenses after a predetermined number of executions of the software application, etc. Hershey, however, also fails to disclose or suggest the above quoted portions of the independent claims.

Accordingly, independent claims 50, 53, 66, and 67 are believed to be allowable over the prior art of record. The depending claims are also believed to be allowable for at least the same reason as the independent claims.

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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